

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MARCH 3, 2010
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Ray Mitchell, Director of Spiritual Affairs - YRMC, gave the invocation. **Councilmember McClendon**, led the City Council in the pledge of allegiance.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger
Councilmembers Absent: none
Staffmembers Present: City Administrator, Mark Watson
Assistant City Attorney, Richard Files
Various Department Heads or their representative
City Clerk, Brigitta M. Kuiper

FINAL CALL

Mayor Krieger made a final call for the submission of Speaker Request Forms from members of the audience.

PRESENTATIONS

- **Watson** recognized two members of the Census 2010 Complete Count Committee and presented them with the City Administrator Coin as a thank you for their efforts. He briefly explained how the Census impacts the City.

I. CALL TO THE PUBLIC

Angelo Lemme, 270 E. 26th Place, expressed his concern regarding the Palo Verde wall; he suggested that City Council let the taggers utilize the wall for their "art".

Phil Clark, P.O. Box 2824, suggested the request for public records process be re-evaluated. He cited A.R.S. §39-121 and informed the City Council of his most recent request for billing information; the document showed more redaction than information. **Files** responded that legal counsel often captures their thought process in the billing, as on going information. This is why the work performed was redacted.

Ted Martinez, 934 S. 8th Avenue, AWC Professor, shared recycling information taught in his class; he invited the Mayor and Council to visit the campus for an open forum in an effort to educate the students.

Mary Moran, 2020 S. Avenue 8½E, student of Martinez, inquired about the City's recycling program and encouraged the City Council to visit the AWC campus.

Teresa Norton, 7568 E. 26th Street, Honor Student at AWC, spoke about the lack of recycling in Yuma. She shared an assignment she is participating in and asked what the City can do to help; trash in and around the City is disheartening.

Lisa Griffin, 1269 W. 17th Street, encouraged the City to partner with private industry to increase recycling efforts throughout the City.

II. MOTION CONSENT AGENDA

Motion (Beeson/Mendoza): To adopt the Motion Consent Agenda, with the exception of Items B3 pulled by Beeson and B8 pulled by McClendon for separate consideration, and, B9 moved to the end of the agenda by Mayor Krieger. Voice vote: **approved 7-0.**

A. Approval of minutes of the following City Council meetings:

Regular Worksession
Regular Worksession

December 15, 2009
January 19, 2010

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a Special Event Liquor License application submitted by Carolyn Bennett, on behalf of the Yuma Fine Arts Association for "A Taste of Fine Art". The event will be held March 12, 2010, from 6:00 p.m. to 9:00 p.m., at the Yuma Art Center, 254 S. Main Street. (SP10-04) (Admin/Clerk)
3. Removed for separate consideration; see below.
4. Approve a New #10 Beer and Wine Store Liquor License application submitted by Randy Allen Guse, agent for Walgreen Arizona Drug Co. dba Walgreens #02611, 1150 West 8th Street, Yuma, Arizona. (LL10-03) (Admin/Clerk)
5. Approve a New #10 Beer and Wine Store Liquor License application submitted by Randy Allen Guse, agent for Walgreen Arizona Drug Co. dba Walgreens #02219, 2801 South 4th Avenue, Yuma, Arizona. (LL10-04) (Admin/Clerk)
6. Authorize the execution of an Intergovernmental Agreement (IGA) between the Yuma County Public Health Services District and the City of Yuma Parks and Recreation Department for the Arizona Nutrition Network Program. (Parks & Recreation)

7. Authorize the execution of an Intergovernmental Agreement (IGA) with Yuma County for the review, permitting and approval of the 4E Investments, L.L.C. agricultural processing facility. (DCD/Planning)
8. Removed for separate consideration; see below.
9. Moved to the end of the City Council agenda; see below.

Motion Consent Agenda Items Removed for Separate Consideration

- B.3. Approve a #9 (Person/Location Transfer) Liquor Store, Liquor License application submitted by Emad Elia Yousif, agent for 4th Ave. Liquor, 1111 South 4th Avenue, Yuma, Arizona. (LL10-02) (City Administration/City Clerk)

Speakers

Frank Culp, Jr., 1147 S. 6th Avenue, expressed his opposition to the liquor license due to children in the area, a residential area, and a church located across the street. **Johnson** inquired about the distance between the church and the proposed liquor store. **Culp** stated that the church is on one corner and the liquor store is right across the street.

Jackie Fisher, 1130 S. 6th Avenue, expressed her opposition to the liquor license citing that it is too close to a church and there is already too much road congestion; she suggested the item be investigated.

Kuiper gave a brief background on the item, explaining the City's responsibility in the liquor license process and reviewed the conditions in which a liquor license can be denied. **Mayor Krieger** noted that Community Development, Fire Department, Police Department and Business Licensing have all reviewed the application and do not object to the proposed liquor license. **Kuiper** stated that the departments review the application and determine whether or not the establishment meets the code requirements.

McClendon inquired if the building is an existing building. **Kuiper** responded the building was previously a furniture store. **McClendon** asked if the building is empty and being refurbished into a liquor store. **Kuiper**: That is correct.

Johnson noted that some liquor stores have a drive thru; does the City have any indication as to whether the business plans to have a drive thru? **Beeson** stated that the location does not appear to be capable of having a drive thru due to it being one parcel into the block.

Mendoza stated the location used to be the Popular Surplus store then a furniture store; there appears to be no access for a drive thru window on any part of the building. Essentially, the proposed liquor store is on 10th Street and 4th Avenue and the church is a block down at 11th Street and 4th Avenue.

Motion (Mendoza/Mayor Krieger): To approve Item B3, Liquor License for 4th Ave. Liquor.

Johnson stated he has driven by the parcel and a drive thru is feasible at the back of the building with access being at the alley; there is a large parking lot for a restaurant next to the building as well. **Mayor Krieger** stated while that is true, all the appropriate channels must be gone through in order to be able to

have a drive thru. **Kuiper** stated that a drive thru window is a separate issue; this application is strictly for a liquor store license.

Roll call vote: **approved** 7-0.

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- B.8. Designation of the Acting City Administrator by the City Administrator, pursuant to the Yuma City Charter, Article VIII, Section 3, during the absence or disability of the City Administrator. (City Administration)

Brooks-Gurrola suggested the proposed order of acting City Administrators be changed and asked if there was a particular order to the list. **Watson** stated that the list does not have to be in a specific order; however, the list is based on general knowledge and the person being located at City Hall. **Brooks-Gurrola** explained that due to the City Attorney and the Finance Director's schedules, Chief Geier would be the desired first choice on the list due to his outside experience.

Motion (Brooks-Gurrola/McClendon): To change the recommendation of the succession order of acting City Administrator from: City Attorney, Steve Moore; Finance Director, Donald "Pat" Wicks; Police Chief, Jerry Geier; Fire Chief, Jack McArthur to the following:

1. Police Chief, Jerry Geier
2. Fire Chief, Jack McArthur
3. City Attorney, Steve Moore
4. Finance Director, Donald "Pat" Wicks

Roll call vote: **adopted** 5-2; Mendoza and Mayor Krieger voting nay.

III. RESOLUTION CONSENT AGENDA

Motion (McClendon/Mendoza): To approve the Resolution Consent Agenda as recommended.

Kuiper displayed the following titles:

Resolution R2010-07

A resolution of the City Council of the City of Yuma, Arizona, amending the City of Yuma Utility Regulations, Article IV, Sections 4.3.1, 4.3.4 and 4.3.5, entitled Pretreatment Regulation (Amended wastewater discharge local limits) (Utilities)

Resolution R2010-08

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution No. R2009-29 for the purpose of revising certain designated fund budget authority contained in the Capital Improvement Program for Fiscal Year 2010 (Capital Improvement Program Budget Adjustment) (Eng)

Roll call vote: **adopted** 7-0.

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Mendoza/Beeson): To adopt the Ordinance Consent Agenda as recommended.

Kuiper displayed the following titles:

Ordinance O2010-14

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 157 of the Yuma City Code, as amended, adding the definition of "construction permit" and amending the definition of "new development" to clarify certain sections of the ordinance in accordance with the express intent that new development contribute its proportionate share towards the costs of public facilities reasonably necessitated by such new development

(Amendment: Citywide Development Fees) (Eng)

Ordinance O2010-15

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Low Density Residential (R-1-6) District to the Low Density Residential / Public Overlay (R-1-6/P) District and amending the zoning map to conform thereto

(Z2009-023; Rezoning of property: 2951 S. 21st Drive – Yuma County Main Library) (DCD/Planning)

Ordinance O2010-16

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma, by gift, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property

(Right-of-way acquisition: 12th Street – Lots 263 and 264 of Magnolia Village Unit No. 3) (Eng)

Ordinance O2010-17

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma, by gift, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property

(Right-of-way acquisition: 12th Street – Lot 300 of Magnolia Village Unit No. 3) (Eng)

Ordinance O2010-18

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance No. O2002-26, for the purpose of revising a certain legal description contained therein and authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma, by gift, easement, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property

(Right-of-way acquisition: Avenue A; Amend Ordinance O2002-26) (Eng)

Ordinance O2010-19

An ordinance of the City Council of the City of Yuma, Arizona, amending Sections 191-49 and 191-51 of the Yuma City Code, as amended, relating to industrial wastes and other wastewater discharges (Wastewater discharge local limits) (Utilities)

Ordinance O2010-20

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O2010-08 to delete all references to an all mail ballot election on May 18, 2010 and change the proposition number (Admin/Clerk)

Johnson expressed his concern on the vague language that will be presented to the voters; however, after speaking with those who drafted the ordinance he feels the action will be effective.

Roll call vote: **adopted** 7-0.

Motion Consent Agenda Item B9

B.9. Authorize execution of an agreement and terms of employment with Mark S. Watson to serve as City Administrator for the City of Yuma. (Mayor & Council)

Motion (Mayor Krieger/Beeson): In lieu of a renewal agreement, to accept the City Administrator's offer of resignation effective March 26, 2010, in accordance with the terms of the City Administrator Release Agreement which provides for two months salary pursuant to the City Charter Article VIII, Section 2 and payment of accrued leave in accordance with City rules and regulations.

Files stated that the Release Agreement protects the City and the City Councilmembers. The agreement provides for two months severance pay pursuant to the City Charter along with the payment of accrued general leave, holiday pay and 10% of major medical.

Roll call vote: **adopted** 7-0.

V. INTRODUCTION OF ORDINANCES - none

VI. PUBLIC HEARINGS - none

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

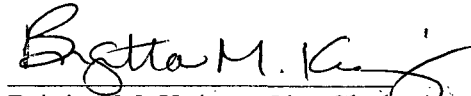
Beeson stated that Google is looking for communities to build a fiber optic network; the City has a good chance at being able to participate in this project. He requested the item be placed on a future agenda for direction to staff.

Watson read a letter, attached hereto as Attachment 1, and by this reference made a part of, regarding his resignation.

VIII. SUMMARY OF CURRENT EVENTS

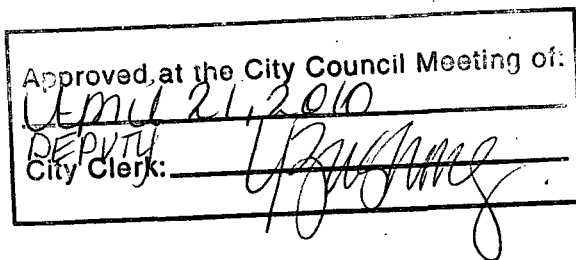
IX. EXECUTIVE SESSION/ADJOURNMENT

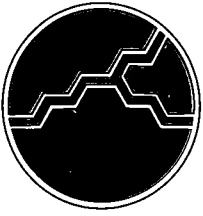
Mayor Krieger adjourned the meeting at 6:52 p.m. No Executive Session was held.


Brigitta M. Kuiper, City Clerk

APPROVED:


Alan L. Krieger, Mayor





City of YUMA

CITY ADMINISTRATION

One City Plaza
P.O. Box 13014
Yuma, AZ 85366-3014
928-373-5011 (phone)
928-373-5012 (fax)

March 3, 2010

Mayor Alan Krieger
Councilmember Raul Mendoza
Councilmember Leslie McClendon
Councilmember Cody Beeson
Councilmember Bobby Brooks-Gurrola
Councilmember Paul Johnson
Councilmember Jerry Stuart

Mayor and City Council:

For the past five years, I have served as the City Administrator of Yuma during one of the busiest growth periods in its history. During the past year, I have served as City Administrator during one of the worst economic climates in its history. I have met the challenges of growth and infrastructure with major bond issues and have now reduced the size of the workforce by 10% and am reducing the city budgets by millions of dollars.

With this short history in mind, I am submitting my notice of resignation to the Mayor and Council effective March 26, 2010. By mutual agreement with the Mayor and Council, it is time for the community to seek a new city administrator to take Yuma through the next chapters of its history. I have personally led the community through many public issues, both complimentary and controversial. It is time to move on.

I have appreciated being associated with a city that is proud of its heritage. I also am proud to have served with a wonderful staff of dedicated public servants who work hard for Yuma. I shall continue to watch the community's progress as it progresses toward its future.

Thank you for the opportunity to work with 2 Mayors and 13 Council members over my tenure, without whom I would not have been successful. I look back with pride at the addition of major water and wastewater facilities, the construction of new streets and underground infrastructure, and the implementation of the Riverfront redevelopment plan. We worked to successfully improve our bond ratings and received many state and national awards recognizing the excellent capabilities of our staff, programs and services.

I extend my best wishes to the City of Yuma for success in the future and for allowing me to be a part of it for a short time.

Sincerely Yours,

Mark S. Watson
City Administrator